

By: Phillips

H.B. No. 3838

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of motorcycles and motorcycle operators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as Malorie's Law.

SECTION 2. Sec. 662.002, Transportation Code, is amended to read as follows:

Sec. 662.002. PURPOSE OF PROGRAM; CURRICULUM. (a) The purpose of the motorcycle operator training and safety program is:

(1) to make available to motorcycle operators:

(A) information relating to the operation of motorcycles; and

(B) courses in knowledge, skills, and safety relating to the operation of motorcycles; and

(2) to provide information to the public on sharing roadways with motorcycles.

(b) The program shall:

(1) contain material regarding operating a motorcycle while carrying a passenger, and

(2) may include curricula developed by the Motorcycle Safety Foundation.

SECTION 3. Section 545.416, Transportation Code, is amended to read as follows:

Sec. 545.416. RIDING ON MOTORCYCLE. (a) An operator of a motorcycle shall ride on the permanent and regular seat attached to

1 the motorcycle.

2 (b) An operator may not carry another person on the
3 motorcycle, and a person who is not operating the motorcycle may not
4 ride on the motorcycle, unless the motorcycle is designed to carry
5 more than one person.

6 (c) If the motorcycle is designed to carry more than one
7 person, a passenger may ride only on the permanent and regular seat,
8 if designed for two persons, or on another seat firmly attached to
9 the motorcycle behind or to the side of the operator.

10 (d) If a motorcycle is designed to carry more than one
11 person, the motorcycle must be equipped with foot rests and
12 handholds for use by a passenger on the motorcycle.

13 ~~(d)~~ (e) Except as provided by Subsection (f), an operator
14 may not carry another person on a motorcycle unless the other person
15 is at least five years of age. An offense under this subsection is a
16 misdemeanor punishable by a fine of not less than \$100 or more than
17 \$200. It is a defense to prosecution under this subsection that the
18 operator was operating the motorcycle in an emergency or for a law
19 enforcement purpose.

20 [(e)] (f) Subsection (d)(e) does not prohibit an operator
21 from carrying on a motorcycle a person younger than five years of
22 age who is seated in a sidecar attached to the motorcycle.

23 SECTION 4. This Act takes effect on September 1, 2013.